

**Division of Water Quality
Utah Department of Environmental Quality
Request for Public Comment**

Purpose of Public Comment

The Utah Department of Environmental Quality is soliciting comments on its proposal to accept the Corrective Action Plan described below under authority of the Utah Water Quality Act, Section 19-5-104(1)(i) Utah Code annotated 1953, as amended and Utah Administrative Code R317-6.

Site Information

Responsible Party Name: Jim and Sandy Behling, operators; dba Main Street Market
Harold Behling, property owner

Facility Location: Main Street Market
15 West Main Street
Ferron, Utah 84523
Emery County

On June 11, 2010, the Utah Division of Environmental Response and Remediation (DERR) received an incident report from the Emery County Sheriff's Office about gasoline vapors intruding into residences of Ferron via the sewer system. A DERR emergency response investigation was conducted June 17-18, 2010 to determine the source of the gasoline. Based on the results of this investigation, the Main Street Market aboveground storage tank system was determined to be the source of the gasoline release in violation of *Utah Code Ann. §19-5-107*.

On June 28, 2010, the Utah Division of Water Quality issued a Notice of Violation and Compliance Order (NOV UGW10-05) to the owners/operators of the Main Street Market to:

- 1) Immediately cease using the aboveground storage tanks and associated fuel dispensing system.
- 2) Submit a Contamination Investigation Report to the Executive Secretary within 30 days of receipt of this ORDER that adequately defines the nature and extent of contamination in accordance with R317-6-6.15 of the Utah Ground Water Quality Protection Rules.

The nature and extent of contamination was sufficiently defined that some work to remediate the subsurface contamination was conducted in 2010. The work conducted to date to alleviate the contamination is not sufficient to remedy the public health threat to the town drinking water supply. A Corrective Action Plan has been prepared in 2012 by a certified consultant at the request of the responsible party.

Public Comments

The public is invited to review and comment on the Corrective Action Plan. At the conclusion of the comment period, the agreements will either be finalized as presented or modified, based on public feedback.

Public comments are invited any time prior to **Monday, January 17, 2013**. Written comments may be directed to the Division of Water Quality, P.O. Box 144870, Salt Lake City, UT 84114-4870. All comments received prior to **Monday, January 17, 2013**, will be considered in the formulation of final determinations to be imposed on the permit. A public hearing may be held if written requests are received within the first 15 days of this Public comment period that demonstrate significant public interest and substantive issues exist to warrant holding a hearing.

Further Information

The Corrective Action Plan is available for review online at:

<http://www.waterquality.utah.gov/PublicNotices/index.htm>

Related documents are available for review during normal business hours at the Division of Water Quality, 195 N. 1950 W., Salt Lake City. Additional information may be obtained upon request by calling Ed Hickey at (801) 536-4300 or by writing the aforementioned address.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413 (TDD 536-4414).